



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 19, 1996

Mr. Patrick S. Dohoney  
Assistant District Attorney  
Office of the Criminal District Attorney  
Justice Center  
401 W. Belknap  
Fort Worth, Texas 76196-0201

OR96-0584

Dear Mr. Dohoney:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#40103 (formerly ID#38627).

The Tarrant County Sheriff's Department (the "department") received a request for information comprising:

- (a) Records, including the location, of weapons training classes for employees of the sheriff's department for the past four years; and,
- (b) The cost of said training and to whom the costs were paid.

You made the initial determination that the requestor needed to provide more specificity and communicated that to the requestor through January 30, 1996 correspondence.<sup>1</sup> The requestor did not provide a response to your inquiry. That notwithstanding, you have submitted a representative sample of documents for our review.<sup>2</sup> You contend the requested information is excepted from required public disclosure under section 552.108 of the Government Code.

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<sup>1</sup>However, a request for records made pursuant to the Open Records Act may not be disregarded simply because a citizen does not specify the exact documents he desires. Open Records Decision No. 87 (1975). In this regard this office believes that the requestor has reasonably specified the types of records he is seeking from the city and the city must make a good faith effort to relate the request to the information held by the city.

<sup>2</sup> We assume that the "representative sample" of records submitted to this office is truly representative of the requested records a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We address your assertion that section 552.108 of the Government Code excepts the requested information from required public disclosure. Section 552.108 excepts from required public disclosure

(a) [a] record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . [and]

(b) [a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution

Gov't Code § 552.108. When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Otherwise, when the "law enforcement" exception is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how its release would unduly interfere with law enforcement or crime prevention. Open Records Decision No. 434 (1986) at 3 (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). Whether information falls within the section 552.108 exception must be determined on a case-by-case basis. *Id.* at 2.

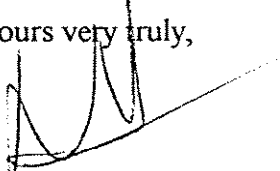
The representative documents under Exhibit C evidence training curriculum. Although you have submitted an affidavit containing general statements that the training materials present methods of defensive and offensive tactics, you have not demonstrated how the release of certain portions of the requested information would unduly interfere with law enforcement or prosecution. For example, the training curriculum contains general information relating to cleaning of a revolver, such information does not on its face, or from your explanation, reveal how its release would unduly interfere with law enforcement or prosecution. However, some of the submitted information, which we have marked for your convenience, shows on its face that its release would unduly interfere with law enforcement or prosecution. We conclude that the sheriff's department may withhold the marked information in Exhibit C under section 552.108 of the Government Code but that it may not withhold the remainder of the submitted information and must make it available to the requestor.

Similarly, with regard to Exhibit D, it is not readily apparent how the release of the document, which consists of information which includes the location and the cost of the training sessions, would unduly interfere with law enforcement or prosecution. The document, and others like it, must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under

section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

  
Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/ch

Ref.: ID#40103 (formerly ID#38627)

Enclosures: Submitted documents

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